

FILED IN THE
UNITED STATES
BANKRUPTCY COURT
OF UTAH

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U.S. BANKRUPTCY COURT
OF UTAH

10

Kevin R. Anderson (4786)
Marji Hanson (5712)
Sherrie Rivera (8348)
OFFICE CHAPTER 13 TRUSTEE
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**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF UTAH
NORTHERN DIVISION**

In re: STEFAN T. CHATWIN, Debtor.	Case No. 00-28922 Chapter 13 Judge Judith A. Boulden (Hearing Date: March 14, 2001, 9:30 a.m.)
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TRUSTEE'S RESPONSE TO MOTION FOR RELIEF FROM STAY

Pursuant to Local Rule of Bankruptcy Practice 4001-1, Kevin R. Anderson, Chapter 13 Trustee, by and through counsel, states that he has reviewed the Motion for Relief from Stay in the above-captioned case filed by USAA Federal Savings Bank and responds as follows:

1. The Debtor(s) is/are four (4) months delinquent on pre-confirmation interim Chapter 13 Plan payments to the Trustee in the total amount of \$3,400.00 through February 22, 2001. A copy of the debtor(s) payment history is attached as "Exhibit A". The confirmation hearing on the Debtor(s)' Plan is set for March 22, 2001.

2. The Trustee has no objection to the Motion, to the entry of an order granting the relief requested, or to any compromise between the Creditor and the Debtor(s) provided that:

a. In the event the motion is granted, the Trustee requests that he be provided with a conformed copy of the Order for Relief as soon as possible thereafter

22

and, if appropriate, that the Creditor file a proof of claim with the Clerk of the Bankruptcy Court within 180 days of the hearing date set in this matter and serve a copy on the Trustee setting forth the amount of any claim remaining after disposition of the collateral or collection from the co-debtor of any part of the claim that is subject to the Order of Relief and not paid through the Debtor(s)' Chapter 13 Plan;

b. Any Order for Relief that requires approval by the Trustee must include a provision that, in the event relief is granted and no amended proof of claim is filed by the Creditor within 120 days of the hearing date set for this matter, the Trustee shall reduce the secured portion of such claim to zero and cease any further distributions for payment of the secured claim to the creditor through the Plan; or,

c. Any agreement by the Debtor(s) to cure pre-confirmation arrearages and/or charges be supported by an affidavit of the Debtor(s) explaining the failure to pay current post-petition expenses and an amended budget to be filed with the Clerk of the Bankruptcy Court and served upon the Trustee prior to submission of the stipulation to cure arrearage to the Trustee for approval.

d. If the Motion is resolved by compromise or settlement, the agreement must be reduced to an order to be approved as to form and content by the Trustee, **and that the order regarding compromise includes provisional language**

**requiring the Debtor(s) to cure the pre-confirmation arrearage to the Trustee
within 30 days, and remain current thereafter.**

DATED this 23 day of February, 2001.



Kevin R. Anderson, Esq.
Marji Hanson, Esq.
Sherrie Rivera, Esq.
Office of Standing Chapter 13 Trustee

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing paper was addressed to the following persons and deposited in the U.S. Mail, first-class postage prepaid, on the 23 day of February, 2001.

L. MARK FERRE
1366 E. MURRAY HOLLADAY ROAD
SALT LAKE CITY, UTAH 84117

KEVIN D. WHATCOTT ESQ.
1846 SOUTH 300 WEST
SALT LAKE CITY, UT 84115



Office Chapter 13 Trustee

TRUSTEE'S ACCOUNTING OF RECEIPTS FROM DEBTOR AS OF Thu Feb 22, 2001

CASE NUMBER:	00B-28922	Petition Date	: Fri Aug 11, 2000
DEBTOR NAME:	STEFAN T. CHATWIN	341 Date	: Thu Sep 14, 2000 at 3:00 PM
ATTORNEY:	KEVIN D. WHATCOTT ESQ.	Bar Date	: Dec 13, 2000
JUDGE:	JUDITH A. BOULDEN	Confirmation By Consent	:
DIVISION:	NORTHERN	Contested Confirmation	: Thu Mar 22, 2001
		1st Delinquency Letter	:
		2nd Delinquency Letter	: Mon Jan 22, 2001

PAYMENTS RECEIVED

Date Received	Type of Payment and Check Number	Payment Amount	Amount Paid to Date
Sep 15, 2000	MONEY ORDER	02-259283225	350.00
Sep 15, 2000	MONEY ORDER	02-259283224	500.00
		Total Paid In \$	850.00

BE (fg #16)